

**REMARKS/ARGUMENTS**

The non-final Office Action of March 4, 2008, has been reviewed and these remarks are responsive thereto. Claims 1, 7-10, 12, 13, 17, 21-24, 26-29, 31, 40, 43, 44, 46, and 47 have been amended, claims 39, 42, and 45 have been canceled without prejudice or disclaimer, and new claims 48-50 have been added. No new matter has been added. Claims 1, 7-10, 12, 13, 17, 21-24, 26-29, 31, 40, 41, 43, 44, and 46-50 remain pending in this application upon entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

***Rejections Under 35 U.S.C. § 101***

Claims 31 and 45-47 stand rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. Specifically, the Office Action alleges that paragraph [0048] of the instant specification defines a computer readable medium as encompassing propagated data signals. Although Applicants respectfully disagree that paragraph [0048] defines computer readable media as including such data signals, in order to expedite prosecution, Applicants have amended paragraph [0048] of the specification to remove the words “a propagated data signal received from.” The rejections to claims 31 and 45-47 are thus rendered moot.

***Rejections Under 35 U.S.C. § 103***

Claims 1, 17, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,870,573 (Yeo), in view of U.S. Patent No. 6,549,669 (Sundqvist). Claims 7-9 and 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yeo, in view of Sundqvist, and further in view of U.S. Patent No. 7,130,864 (Lin). Claims 10, 12, 13, 24, and 26-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yeo, in view of Sundqvist, and further in view of U.S. Patent No. 4,963,979 (Sendelweek). Claims 39-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yeo, in view of Sundqvist, and further in view of U.S. Patent Appl. Pub. No. 2002/0069415 (Humbard). Applicants respectfully traverse these rejections for at least the following reasons.

**Disqualifying Humbard**

Applicants respectfully submit that U.S. Patent Appl. Pub. No. 2002/0069415 (Humbard) is not prior art to the present application, and that the rejections based on Humbard (i.e., the rejections of claims 39-47) cannot stand.

The earliest possible priority date of Humbard is September 8, 2000. However, the instant application claims priority from several earlier patent applications, including U.S. Patent Application Serial Nos. 09/378,184, and 09/378,270, both filed on August 20, 1999, and both of which were incorporated by reference into the instant application as originally filed. Specification, paragraph [0033]. Accordingly, Applicants submit that Humbard is unavailable as a prior art reference with respect to any of the subject matter disclosed in the '184 or '270 applications.

**Claims 1, 7-10, 12, 13, 17, 21-24, 26-29, 31, 40, 41, 43, 44, 46, and 47**

In order to expedite prosecution, independent claim 1 has been amended to incorporate the subject matter of canceled claim 39. Specifically, amended claim 1 recites, “displaying a graphical representation of a polyhedron” in a first image area, and “displaying [a] reduced image of real-time programming on a side of the graphical representation of the polyhedron [in the first image area].” The Office Action on pages 6-7 correctly acknowledges that Yeo does not disclose displaying a graphical representation of a polyhedron, nor does Yeo disclose displaying an image associated with a selected channel on a side of a polyhedron. The Office Action then alleges that Humbard teaches the above-recited features of amended claim 1. However, as discussed above, Humbard is unavailable as a prior art reference with respect to any of the subject matter disclosed in the '184 or '270 applications. Additionally, the specification of the '184 application clearly describes displaying a graphical representation of a polyhedron and displaying a reduced image of real-time programming on a side of the graphical representation of the polyhedron (see, e.g., Abstract, FIG. 4, page 2, ll. 6-18, and page 19, ll. 6-17). For example, the '184 specification states:

- 11 The faces of polyhedron 204 can depict video images, e.g. images of what appears on the
- 12 various television channels.

Page 19, ll. 11-12. Since Humbard is unavailable as a prior art reference with respect to this subject matter, and since none of the other cited references discloses or even suggests displaying a graphical representation of a polyhedron, or displaying a reduced image of real-time programming associated with a selected channel on a side of a graphical representation of a polyhedron, Applicants respectfully submit that amended claim 1 is not obvious over the available cited references.

Independent claims 17 and 31 have also been amended to recite displaying a graphical representation of a polyhedron, and displaying a reduced image of real-time programming associated with a selected channel on a side of the graphical representation of the polyhedron. Therefore, for similar reasons to those discussed above regarding claim 1, amended claims 17 and 31 are not obvious in view of the available cited references. Dependent claims 7-10, 12, 13, 21-24, 26-29, 40, 41, 43, 44, 46 and 47 are not obvious in view of the cited references for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

#### *New Claims*

Applicants have added new dependent claims 48-50 to clarify and more fully claim the invention. Each of claims 48-50 recites:

- identify[ing] a segment of the video stream corresponding to the selected channel;
- convert[ing] the segment of the video stream to a reduced resolution video stream; and
- display[ing] the reduced resolution video stream on the side of the graphical representation of the polyhedron in the first of the individual image areas.

As discussed above, none of the available cited references disclose or suggest displaying a graphical representation of a polyhedron, or displaying an image from a channel of real-time programming on a side of the graphical representation of the polyhedron. These cited references also fail to disclose or suggest displaying a reduced resolution video stream from a programming

channel on the side of a polyhedron. Accordingly, for similar reasons to those discussed above, new claims 48-50 are also allowable over the available cited references.

**CONCLUSION**

Based on the foregoing, Applicants respectfully submit that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully submitted,  
**BANNER & WITCOFF, LTD.**

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